

## Sincock, Jennifer

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**From:** Day, Christopher  
**Sent:** Monday, January 12, 2015 1:10 PM  
**To:** Sincock, Jennifer; drago, helene  
**Subject:** FW: Telford v. EPA - re: new information Indian Creek - TMDL/303(d) reconsideration

So I will push out to PADEP and Steve Hann unless anyone thinks we shouldn't

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**From:** Phil Rosenman [mailto:prosenman@hall-associates.com]  
**Sent:** Monday, January 12, 2015 12:06 PM  
**To:** Day, Christopher  
**Cc:** Amanda Shafer Berman; Curtin, James  
**Subject:** RE: Telford v. EPA - re: new information Indian Creek - TMDL/303(d) reconsideration

Chris:

We have no objection to EPA sharing the new information with the other IC stakeholders. While this information certainly is relevant to ongoing settlement negotiations, we would reiterate that it was submitted as a "formal request to reconsider and amend the TMDL as well as the Section 303(d) listings based on new information showing the TMDL endpoints and requirements are misplaced." Therefore, we believe it is public information that is not subject to Fed. R. Evid. 408.

Otherwise, we look forward to the Region's counter proposal.

Regards,  
Phil

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**From:** Day, Christopher [mailto:Day.Christopher@epa.gov]  
**Sent:** Thursday, January 08, 2015 5:22 PM  
**To:** Phil Rosenman  
**Cc:** Amanda Shafer Berman; Curtin, James  
**Subject:** RE: Telford v. EPA - re: new information Indian Creek - TMDL/303(d) reconsideration

Phil – thanks for sharing these documents electronically. I will get back to you as to what kind of discussions we would like to pursue. I note that you did share that document with PADEP as well.

On the settlement front, EPA is still working on finalizing a settlement proposal to send out for your consideration within the next 30 days. We would like to make the new information available for consideration in the settlement discussions, and, towards that end would like to know whether you would consent sharing that information with the other municipal entities on the Indian Creek watershed or Steve Hann (or perhaps you have already done so). Please let us know.

Christopher Day  
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EPA Region III (3RC20)  
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**From:** Phil Rosenman [<mailto:prosenman@hall-associates.com>]  
**Sent:** Tuesday, January 06, 2015 11:08 AM  
**To:** Day, Christopher  
**Cc:** John Hall  
**Subject:** Telford v. EPA - re: new information Indian Creek - TMDL/303(d) reconsideration

Chris:

It has been a couple months since I last checked-in regarding the Region's contemplated counter proposal to settle/administratively stay the nutrient TMDL for Indian Creek. Also, as you are likely aware, the attached documents (new site-specific Indian Creek data and info regarding the feasibility of periphyton control via nutrients) were transmitted to EPA Region 3 from our office just before Christmas. Please let me know if you have any questions regarding this information.

John and I would like to talk to have a short (~20 minutes) discussion with you regarding these items (e.g., settlement, recent data, restoration alternatives). Do you have any time later this week or early next week?

Regards,

Phil

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